

Application Number/s: 132862/FO/2022 & 132683/LO/2022

Applicant: Manchester University Hospital NHS Foundation Trust

Agent: Martyn Wilshaw

Location: Manchester Royal Infirmary (St Mary's Building)

Proposal: Alterations to Domes to Roof

Ward: Ardwick

Description of Site and Surrounding Area

The planning application for external alterations relates to St. Mary's Building, within the Manchester Royal Infirmary campus.

Building

The building is Grade II listed with the following information held at Historic England:

St. Mary's Hospital:

List Entry: 1246550

Date Listed: 06 June 1994

Hospital. 1909, by John Ely. Red brick with matching terracotta dressings, slate roofs. Extended E-plan formed by main range parallel to street with 3 slightly-radiating ward blocks to the rear. Diluted Edwardian Baroque style. Three storeys with basement and attics, 7 bays (3:2:3:3:3:2:2 windows at 1st floor), symmetrical, the centre bay wider, those flanking it breaking forwards slightly and gabled, and the end bays canted; with a 1st-floor band, modillioned cornice and balustraded parapet. The centre has steps up to a wide central entrance with an architrave of coupled fluted Tuscan columns on pedestals with triglyph frieze and broken segmental pediment, and a round-headed doorway with raised run-out voussoirs and keystone, and coupled windows in a pedimented architrave above this. The gabled bays have 4-light windows at 2nd floor, segmental pediments over the cornice, and attic gables with 2-light windows and apex finials. The canted end bays have octagonal turrets with domed lead roofs. All the windows have keystones, those at 1st floor have shouldered architraves and cornices, and those at 2nd floor are paired and have similar architraves; those at 1st and 2nd floor are sashed with glazing bars but those at ground floor have altered glazing. Returned ends and rear wings in similar style. Interior not inspected. Forms group with Royal Infirmary to north.

Surrounding Area

St. Mary's Hospital is orientated with the front (main) entrance facing east towards Oxford Road. It is to the far southwest corner of the Manchester Royal Infirmary campus and is bound by York Place Street to the north, Citylabs 2.0 office/research building to the east, Hathersage Road to the south and Oxford Road to the west, beyond which is Whitworth Park.

Description of Proposal

The application seeks listed building consent to carry out urgent repair works to the two dome roofs (north and south elevation) of the building, which will broadly include:

- Repair/reinstatement of the lead covering of the existing minor domes
- Reinstatement of lead cornice dressings
- Reinstatement of damaged and/or missing rainwater goods
- Localised re-pointing of the brickwork and terracotta facings
- General making good and preserving the historic architectural features and fabric using traditional methods and materials

The Planning Submission

The application is supported by the following information:

- Application Form
- Location Plan
- Existing and Proposed Plans
- Design, Access & Heritage Statement
- CIL Questionnaire Form

Publicity LBC

Site Notice/s Posted and Dates: Posted 16/02/22, Expired 14/03/22

Press Adverts Published and Dates: Published 22/02/22, Expired 15/03/22

Neighbour Notification: Notified 16 February 2022

Representations Received: None

Consultations

Urban Design & Conservation

Deemed the proposed works to be unacceptable as a permanent solution, with the over leading not agreed to. The applicants submitted additional details and confirmed that this is a temporary solution, with the terracotta domes remaining in situ.

Policy

The Development Plan

The Development Plan consists of: The Manchester Core Strategy (2012); and Saved policies of the Unitary Development Plan for the City of Manchester (1995). The Core Strategy is the key document and sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved. Planning applications in Manchester must be decided in accordance with the Core Strategy and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

The relevant policies within the Core Strategy are as follows:

Strategic Spatial Objectives - The adopted Core Strategy contains Strategic Spatial Objectives that form the basis of its policies, as follows:

Manchester Core Strategy Development Plan Document (July 2012)

Policy SP1 ‘Spatial Principles’ – Development in all parts of the city should make a positive contribution to neighbourhoods of choice including

- Create well designed places that enhance or create character
- Make a positive contribution to the health, safety and wellbeing of residents
- Consider the needs of all members of the community
- Protect and enhance the built and natural environment
- Minimise emissions and ensure efficient use of natural resources
- Improve access to jobs, services, education and sustainable transport

Policy EN3 ‘Heritage’ – Throughout the city, the council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods. Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1 ‘Development Management’ – All development should have regard to a variety of issues relating to potential impacts development may have. These vary and will be assessed more thoroughly in the assessment/issues part of this report.

Manchester Unitary Development Plan (Saved Policies)

19 – Listed Buildings: In determining applications for LBC, the LPA will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the LPA will:

- Not grant LBC for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use
- Not permit a change of use to a listed building, where it would have a detrimental effect on the character or appearance of the building
- Not permit any external or internal alteration or addition to a listed building where, in its opinion, there would be an adverse effect on its architectural or historic character
- Seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features

- Permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract
- Not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result

Other Material Considerations

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are:

Chapter 2 ‘Design’ – outlines the City Council’s expectations that all new developments should have a high standard of design making a positive contribution to the City’s environment.

Manchester Strategy (January 2016)

The strategy sets the long-term vision for Manchester’s future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre. Furthermore, increasing the centre for residential is fundamental along with creating a major visitor destination.

National Planning Policy Framework (July 2021)

The revised NPPF re-issued in July 2021. The document states that the ‘purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the ‘objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs’ (paragraph 7). In order to achieve sustainable development, the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 4 – Decision-making – States that local planning authorities should approach decisions on proposed developments in a positive and creative way, making use of pre-application discussions etc. In addition, applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the proposal will be assessed on up to date development plan and any other material considerations. The applicant made use of pre-application discussions and a site visit.

Section 16 – Conserving and Enhancing the Historic Environment – Heritage assets range from sites and buildings of local historic value to those of the highest

significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 194 – In determining applications, LPAs should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the historic relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 195 – In turn, LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting) taking into account the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 196 – Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 197 – In determining applications, LPAs should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 199 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amount to substantial harm, total loss or less than substantial harm to the significance.

Paragraph 200 – Any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. Substantial harm or loss of Grade II listings should be exceptional, and anything above should be wholly exceptional.

Paragraph 201 – Where a proposed development will lead to substantial harm or total loss of significance, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss or where:

- The nature of the heritage asset prevents all reasonable use of the site

- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
- Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 202 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 204 – LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred

Paragraph 208 – LPAs should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies

Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

National Planning Practice Guidance (NPPG)

Historic Environment – Any decisions where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular Sections 16, 66 and 72, as well as applying the relevant policies in the development plan and the NPPF.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So, where the complete or partial loss of a

heritage asset is justified, the aim then shall be to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Examples of heritage benefits include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long-term conservation.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and case law has considerable importance and weight should be given to any impact upon a designated heritage asset but in particular upon the desirability of preserving the setting with a strong presumption to preserve the asset.

Section 72 of the Act requires the LPA to, during the assessment for planning permission, exercise due respect to any buildings or other land that falls within a designated conservation area. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

The application proposes external alterations and a partial change of use of a building that is a Grade II listed building, in the setting of other Grade II and a Grade II* listed building, is within a conservation area and is adjacent to another conservation area. As such, this is considered in detail in the report.

Equality Act (2010)

S149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Issues

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Impact of Works upon Listed Building/Design

For listed building consent, the issue to consider is whether such works proposed would have either a less than substantial, substantial or total loss of the building.

In this instance, the proposals are focused on two domes to the Grade II listed application building.

Detailed information has been presented by the applicant and relevant experts confirming that, over time (and not through deliberate neglect) the domes have

degraded due to natural weathering etc. As a result of this, the integrity of the domes have been reduced and works are required to prevent further damage or degradation.

It is considered that, despite the above, the proposed works to the dome would be unacceptable in principle and cause unacceptable levels of harm to the heritage asset, amount to substantial harm or total loss of an important architectural element of the building. As such, the proposal was not agreed to.

Due to this, the applicant was asked to provide additional information. A Planning, Heritage & Design Statement that was amended from the original submission was submitted. This document confirms that the works to the domes would ensure the continued use and occupation of the building, so the repair works would be highly beneficial in terms of this factor (continued use of a listed building).

The document goes on to confirm that the works have been designed as a temporary measure and are reversible. This is intended so that when possible, the works will be carefully dismantled and the domes will be rebuilt in appropriate materials. This requires extra technical works and financing and cannot be carried out at this time.

It has been found by the Local Planning Authority that the proposed over leading of the terracotta domes to the Grade II listed building would lead to, as identified in Paragraph 201 of the National Planning Policy Framework, 'substantial harm'. As such, the LPA should by default refuse consent. The applicant was informed that this would be the outcome of this application as it does not appear that any evidence of how the substantial harm can be minimised and downgraded to 'less than substantial harm' (Paragraph 202 of the NPPF) was provided.

Despite Para. 201 stating that works that would lead to substantial harm to a heritage asset should be refused, there is scope to allow works even if they cause substantial harm when substantial public benefits exist that outweigh that harm or loss. These can include:

- The nature of the heritage asset prevents all reasonable use of the site.

The heritage asset is a high quality, Grade II listed building. The building is owned by the NHS and is situated on land that forms part of the Manchester Royal Infirmary Campus. Given the nature of the building's use, setup and location, it is considered that the existing building's use as one that provides important medical services is indeed the most 'reasonable' use. It is not within the scope or consideration of this application to explore alternate uses of the building.

- The harm or loss is outweighed by the benefit of bringing the site back into use

The terracotta domes that are to be overclad with lead will not fundamentally be 'lost', they will simply be obscured from view until such time that appropriate investigative works, structural surveys and repairs can take place to the terracotta domes. The applicant has submitted information that confirms that the terracotta domes will remain in situ and the overcladding with lead is to be on a temporary basis. The overcladding of the domes will allow the building to continue to safely provide vital medical services that are required by the residents of the city of Manchester. Although the building remains operational, the applicant has confirmed that certain rooms are becoming

unoccupied/non-operational due to water ingress, which is unacceptable, particularly when considering the building's heritage status and the building's use.

Conclusion

The proposal would lead to substantial harm to a Grade II listed heritage asset, as defined under Paragraph 201 of the National Planning Policy Framework. As such, the scheme should be refused unless significant public benefits outweigh the harm. In this case, it is found that there are significant public benefits that outweigh the significant harm, given the building's use. In addition, it is found that the substantial harm is somewhat lessened on confirmation by the applicant that these works are temporary, with the terracotta domes remaining in situ for repair in the medium term. As such, despite the substantial harm, the proposal remains consistent with Section 16 of the National Planning Framework, saved Policy DC19.1 of the Unitary Development Plan and Policies DM1, SP1, EN3 and CC9 of the Core Strategy.

Human Rights Act 1998

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts

Recommendation:

That planning permission be granted subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Location Plan (Drawing 21/030(0-)AXP001 dated January 2022) – Received 08/02/22
- Existing Elevations (Drawing 21/030(0-)AXP006 dated November 2021) – Received 08/02/22
- Existing Elevations (Drawing 21/0030(0-)AXP008 dated November 2021) – Received 08/02/22
- Existing Roof Plan (Drawing 21/030(0-)AXP005 dated November 2021) – Received 08/02/22
- Existing Roof Plan (Drawing 21/030(0-)AXP007 dated November 2021) – Received 08/02/22
- Proposed Elevations (Drawing 21/030(2-)APE011 dated January 2022) – Received 08/02/22
- Proposed Elevations (Drawing 21/030(2-)APP013 dated November 2021) – Received 08/02/22
- Proposed Roof Plan & Section A-A (Drawing 21/030(2-)APP010 dated January 2022) – Received 08/02/22
- Proposed Roof Plan & Section A-A (Drawing 21/030(2-)APP012 dated November 2021) – Received 08/02/22
- Planning, Heritage & Design Statement (Old St Mary's, Manchester Royal Infirmary, M13 9WL dated January 2022) - Received 28 July 2022.
- Site Photographic Record prepared by Finlason Partnership (Reference 21030 2.01 dated 08 February 2022) – Received 09/02/22.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Informative

The proposed works to the listed building have been found to cause substantial harm to the listed building. They are only found to be acceptable on balance due to the public benefits that the building provides and the temporary nature of the works. Though a temporary consent has not been issued, it is imperative and understood by the applicant that a more long term and appropriate solution is found and applied for as soon as possible.

Article 35

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application. In this instance, additional information and clarification were sought to enable the LPA to justify the substantial harm to a heritage asset this scheme would cause, including further information as to the building's use and clarification that the proposed scheme would be temporary in nature.